



STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

EMPLOYEES OF THE PHYSICAL PLANT OPERATIONS :
AND MAINTENANCE DEPARTMENT, UNH :

Petitioners :

and :

AMERICAN FEDERATION OF STATE, COUNTY AND :
MUNICIPAL EMPLOYEES, AFL-CIO :

Respondent :

CASE NO. U-0609

DECISION NO. 81-15

APPEARANCES

Representing the employees of PPO&M:

Gene Raitt, Secretary IV
Debbie Eaton, Custodian
Francis Cormier, Night Coordinator

Representing the AFSCME, AFL-CIO Local:

James J. Barry, Jr., Esq., Counsel
Joyce Anderson, Executive Director
James Ford, AFSCME Representative
James Anderson, President, AFSCME
Paul Barton, employee of PPO&M
Judith Syria, " " "
Wayne Hoitt, " " "

Also in attendance:

Gary W. Wulf, Director of Resources
Frederic Arnold, Personnel Director
Nicholas Plebani, Director, PPO&M

BACKGROUND

In accordance with RSA 273-A:10 and the Board's Rules and Regulations, Section 1.4(a), a group of employees of the certified bargaining unit in the Physical Plant Operations and Maintenance Department (PPO&M) on the Durham Campus

of the University System of New Hampshire petitioned PELRB on April 29, 1981 for a decertification election.

The original unit certified included all full time and regular part-time operating staff members of PPO&M on the Durham Campus and certification was issued after a duly conducted election by PELRB on February 22, 1980.

Hearing on the petition was conducted on May 21, 1981 by Hearing Officer Edward J. Haseltine due to a lack of quorum of the Board. All parties agreed to proceed with the hearing officer appointed.

Counsel for the local, AFSCME, objected to the presence of University administrative personnel and their participation at the hearing. The objection was sustained by the hearing officer on the basis that the issue involved only members of the bargaining unit and their exclusive representative.

Testimony was taken from several witnesses who indicated that the unit members heard very little about negotiations from the Union and felt that they were being inadequately represented. Upon examination by Counsel for the Union, the petitioning parties testified that they were solely responsible for the petition being submitted and had not consulted or discussed it with supervisors or University administrators.

Counsel further stated that he felt the University would not continue to negotiate if a decertification election was pending; impasse had been reached and the parties were currently seeking appointment of a mediation from PELRB. He added that negotiations had in fact been delayed while the unit determination case had been pending before the N. H. Supreme Court. Since the Supreme Court had upheld the certification, (N.H. 80-128 & N.H. 80-283, Appeal of the University System of New Hampshire v. New Hampshire Public Employee Labor Board, December 22, 1980), a minimum of five negotiation sessions had been held. University representation did indicate that negotiations had been conducted by the parties during the court appeal process.

Union offered testimony that notices on behalf of the Union had been posted at or near time clocks on several occasions, however had been removed by person, or persons, unknown. No factual proof of who, why or when these actions had taken place was presented.

The president of the local union offered testimony relative to the UNH policy of permitting union activities during working hours, accessibility to UNH mailing system and attempts to get names and addresses of bargaining unit members. He added that approximately five or six negotiation sessions had been held since January, 1981, and that most of the sessions lasted between five to six hours.

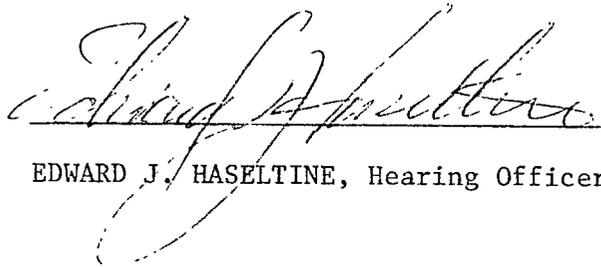
It should be noted that a complete list of names and addresses of all employees in the bargaining unit was made available to all parties at the time of the original election conducted by PELRB in February of 1980.

From the evidence presented at the hearing, it was evident that a substantial number of the employees in the bargaining unit at PPO&M desired a new election and the petition for decertification submitted by the employees on April

29, 1981 met all the requirements and time limits under the statute.

DECISION AND ORDER

It is the opinion of the hearing officer that a decertification election is in order and an election will be held in accordance with RSA 273-A: 10 and the Board's Rules and Regulations during the month of June, 1981.



EDWARD J. HASELTINE, Hearing Officer

Signed this 28th day of May, 1981.